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**Report to  
The Vermont Legislature**

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# **Transportation of Children in State Custody**

In Accordance with Act 172: Transportation of Individuals in the  
Custody of the State and Act 180: An Act Related to the Agency of  
Human Services

**Submitted to: General Assembly**

**Submitted by: David Yacovone  
Commissioner**

**Prepared by: Cindy Walcott  
Deputy Commissioner**

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## **Summary of Act 180**

In 2006, the General Assembly passed Act 180 into law. That act directed the Commissioner of the Department for Children and Families (DCF) to ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort a child subject to this chapter in a manner which:

- (1) prevents physical and psychological trauma;
- (2) respects the privacy of the individual; and
- (3) represents the least restrictive means necessary for the safety of the child.

The act required that any professional who decides that secure transportation with mechanical restraints is necessary document the reasons for that determination in writing.

Further, the act required the commissioner to submit data by January 31, 2007 and January 31, 2008 regarding the transportation of children in the DCF custody by a sheriff or deputy sheriff, to include the number and gender of children transported to various locations and geographic distribution of the use of such transports. As part of Act 172, enacted on May 27, 2007, this reporting requirement was extended through January 2011. This is DCF's fifth and final report to the legislature.

## **Policy Framework**

DCF policy and procedure, effective 1/17/2006, states that:

“Children and youth in DCF custody will be transported using the least secure method that can reasonably assure safety. In evaluating the most appropriate level of security, staff will consider:

- Immediate risk to run away or history of serious behavior on previous runaway;
- Other demonstrated behavior that the child may risk his or her own safety, or the safety of another person.

In most situations, children experiencing significant transitions should be transported by or under the supervision of a person they know and trust. In all cases, reasonable and appropriate efforts will be made to respect the privacy of the child and prevent physical and psychological trauma. Children will not be transported securely unless necessary to protect the child's health and safety, or the safety of another person.”

## **Documentation**

All requests for secure transport are justified on a form that describes the child's behavior. The supervisor may approve secure transports only when there is:

- Immediate risk to run away or history of serious behavior on previous runaway;
- Other behavior that the child may risk his or her own safety, or the safety of another person.

## Impact on Numbers

DCF policy was promulgated effective 1/17/06. The following table shows impact on monthly numbers of transports utilizing restraints, during the years that followed. Figures for 2005 are shown for comparison purposes.

	2005 Baseline	2006	2007	2008	2009	2010
January	73	47	48	29	22	35
February	42	46	23	34	17	19
March	47	46	30	42	18	10
April	61	46	48	40	32	22
May	71	57	35	35	31	12
June	74	36	37	32	41	26
July	70	43	26	34	14	14
August	71	54	42	42	11	32
September	64	41	36	31	16	18
October	59	64	22	37	30	20
November	50	62	14	22	11	19
December	46	47	15	8	34	4
Total	728	589	376	386	277	231

Compared to 2005, secure transports are less than 1/3 what they were. Note that December data is not yet 100% complete.

As important as it is to evaluate the overall numbers, it may be even more important to evaluate the type of settings to which youth are being transported. The following table indicates only 4.4% of secure transports are to non-secure residential settings or to foster homes.

To:	2010
Non-secure Residential or Foster Home	10
Psychiatric Hospital/MH Screening	6
To Woodside/From Woodside to Court	117
Staff Secure Residential	90
Total	223

## Gender of Youth Transported

Males are more often transported securely.

Gender	2007	2008	2009	2010
Male	54%	68.39%	82%	78%
Female	46%	31.61%	18%	22%

## Geographic Use of Secure Transport

The following table shows the use of secure transport for youth by the office responsible for their services, from each district office, expressed as a percent of all secure transports for the year. For context, the percent of all children in custody that the district is responsible for is also shown. The variation does not seem to reflect different practice, but variation in caseload mix during a particular year.

DCF Family Services District	2010	% of Custody Caseload
Barre	13%	8%
Bennington	8%	7%
Brattleboro	7%	6%
Burlington	10%	19%
Hartford	2%	5%
Middlebury	11%	8%
Morrisville	9%	7%
Newport	4%	5%
Rutland	8%	12%
Springfield	6%	9%
St. Albans	16%	9%
St. Johnsbury	6%	6%

## Summary

Following the passage of Act 180, DCF has taken a variety of steps to establish policy and procedure and ensure smooth and appropriate implementation of the act:

- Consistent messages to internal managers and staff about the importance of this issue;
- Development of policy and documentation requirements;
- Attention to youth and staff safety;
- Expansion of transportation options, including new contracts and new agreements with sheriff's departments;
- Monthly compilation and reporting on data.

In the first two years following implementation of Act 180, we maintained a number of secure transports that was about half of what it was before implementation of the act. Both last year and this year, with increased focus on decisions being made after hours, we have used secure transports much less frequently than before. Secure transports to non-secure settings continues to be very low.